

## Alerts and Updates

### **NEW JERSEY SUPREME COURT ADOPTS BOARD REGULATIONS FOR MANDATORY CONTINUING LEGAL EDUCATION**

February 5, 2010

On January 26, 2010, the Supreme Court of New Jersey adopted regulations that will govern the state's Board on Continuing Legal Education ("Board"). The Board will administer New Jersey's new mandatory continuing legal education program ("CLE program"), which became effective on January 1, 2010. The CLE program requires New Jersey attorneys to complete 24 hours of CLE credits every two years, as set forth in New Jersey *Rule* 1:42-1.

Pursuant to the new regulations, the Board will have the authority to administer the CLE program, which will include the following powers and duties:

- Approval of courses and activities that qualify for CLE credit.
- Designation of approved service providers and educational activities or courses that qualify for CLE credit.
- Monitoring of attorneys' and providers' compliance with the mandatory CLE program.
- Promulgating regulations concerning the CLE program, subject to approval by the New Jersey Supreme Court.

The Board's duties and powers also include providing course accreditation and approval. Providers of CLE credits who seek "approved service provider" status from the Board may include law firms, bar associations, for-profit and nonprofit legal education providers, American Inns of Court, educational institutions, for-profit and nonprofit corporations, and governmental entities. Eligible entities may seek approval from the Board as either an "approved service provider" or as "per-course approved service provider." All approved service providers will be required to keep and maintain records reflecting attorneys' attendance at any approved educational activity or course that they sponsor, and to provide these attendance records to the Board. The regulations also require that attendees are provided with certificates of attendance within 30 days of completion of the approved course.

Attorneys will be required to self-report completion of the mandatory 24 hours of CLE credits. In particular, the regulations require that attorneys maintain records of their CLE course attendance for a period of three years from the date of attendance. Attorneys will be required to certify to the Board that they have fulfilled their mandatory CLE requirements. The certification of compliance will be made a portion of the Annual Attorney Registration Statement (the "statement"). Attorneys

whose birthdays are between January 1 and June 30 will have to certify their compliance on the statement (or on such other form as provided by the Board) of each even-numbered year next following the completion of a compliance period.

Furthermore, all attorneys whose birthdays fall during the period of July 1 through December 31 will have to certify their compliance on the statement (or on such other form as provided by the Board) of each odd-numbered year following the completion of a compliance period. The regulations, however, exclude reporting obligations for calendar year 2010.

Attorneys are responsible for ensuring that the CLE courses they attend have been pre-approved by the Board, or that the CLE provider has been pre-approved by the Board. In addition to receiving credits from providers approved by the Board, Board regulation 201:4 allows attorneys to receive 1:1 credit for courses that satisfy the CLE requirements of any other jurisdiction.

According to the Board's regulations, any attorney who does not comply with the mandatory CLE obligations may be administratively suspended from the practice of law. New Jersey attorneys, including limited-license in-house counsel, judges and law school professors, may want to familiarize themselves with the Board's regulations and be prepared to comply with the requirements of the new CLE program.

### **About Duane Morris**

Duane Morris regularly provides educational programs that include CLE. The firm's [Duane Morris Institute](#) is a pre-approved accredited CLE provider in Pennsylvania and New York and is currently seeking accreditation in New Jersey. Because Board regulation 201:4 allows attorneys to receive 1:1 credit for courses that satisfy the CLE requirements of any other jurisdiction, attorneys will be able to receive New Jersey CLE through most Duane Morris Institute courses.

### **For Further Information**

If you have any questions about this *Alert* or would like more information, please contact [Sharon L. Caffrey](#), any [New Jersey-licensed member](#) of the [Trial Practice Group](#) or the attorney in the firm with whom you are regularly in contact.